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SENATE BILL 306

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO GAMING; PROVIDING FOR A RACETRACK WITH A GAMING OPERATOR'S LICENSE TO CONTINUE TO OPERATE GAMING MACHINES FOR AN INTERIM PERIOD WITH NO LIVE RACE DAYS BETWEEN RACE MEETS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-2E-27 NMSA 1978 (being Laws 1997, Chapter 190, Section 29, as amended) is amended to read:

"60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF OPERATIONS.--

A. A racetrack licensed by the state racing commission pursuant to the Horse Racing Act to conduct live horse races or simulcast races may be issued a gaming operator's license to operate gaming machines on its premises where live racing is conducted.

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1 B. A racetrack's gaming operator's license shall
2 automatically become void if:

3 (1) the racetrack no longer holds an active
4 license to conduct pari-mutuel wagering; or

5 (2) the racetrack fails to maintain a minimum
6 of four live race days a week with at least nine live races on
7 each race day during its licensed race meet, except:

8 (a) as provided in Subsection F of this
9 section; or

10 (b) during an interim period between two
11 consecutive licensed race meets if approved by the state racing
12 commission pursuant to criteria prescribed in commission rules;
13 provided that simulcasting of horse races is conducted during
14 that interim period whenever gaming machines are operated on
15 the licensed premises.

16 C. Unless a larger number is allowed pursuant to
17 Subsection D of this section, a gaming operator licensee that
18 is a racetrack may have up to six hundred licensed gaming
19 machines.

20 D. By execution of an allocation agreement, signed
21 by both the allocating racetrack and the racetrack to which the
22 allocation is made, a gaming operator licensee that is a
23 racetrack may allocate any number of its authorized gaming
24 machines to another gaming operator licensee that is a
25 racetrack. To be valid, the allocation agreement must bear the

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1 written approval of the board and the state racing commission,
2 and this approval shall make specific reference to the meeting
3 at which the action of approval was taken and the number of
4 votes cast both for and against the approval. By allocating a
5 number of its authorized machines to another racetrack, the
6 allocating racetrack automatically surrenders all rights to
7 operate the number of machines allocated. No racetrack shall
8 operate or be authorized to operate more than seven hundred
9 fifty gaming machines.

10 E. Gaming machines on a racetrack gaming operator
11 licensee's premises may be played only on days when the
12 racetrack is either conducting live horse races or simulcasting
13 horse race meets. On days when gaming machines are permitted
14 to be operated, a racetrack gaming operator licensee may offer
15 gaming machines for operation for up to eighteen hours per day;
16 provided that the total number of hours in which gaming
17 machines are operated does not exceed one hundred twelve hours
18 in a one-week period beginning on Tuesday at 8:00 a.m. and
19 ending at 8:00 a.m. on the following Tuesday. A racetrack
20 gaming operator licensee may offer gaming machines for play at
21 any time during a day; provided that the total hours of
22 operation in each day from just after midnight of the previous
23 day until midnight of the current day does not exceed eighteen
24 hours. A racetrack gaming operator licensee shall determine,
25 within the limitations imposed by this subsection, the hours it

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1 will offer gaming machines for operation each day and shall
2 notify the board in writing of those hours.

3 F. Maintaining fewer than four live race days or
4 nine live races on each race day during a licensed race meet
5 does not constitute a failure to maintain the minimum number of
6 live race days or races as required by Paragraph (2) of
7 Subsection B of this section if the licensee submits to the
8 board written approval by the state racing commission for the
9 licensee to vary the minimum number of live race days or races,
10 and the variance is due to:

11 (1) the inability of a racetrack gaming
12 operator licensee to fill races as published in the licensee's
13 condition book;

14 (2) severe weather or other act, event or
15 occurrence resulting from natural forces;

16 (3) a strike or work stoppage by jockeys or
17 other persons necessary to conduct a race or meet;

18 (4) a power outage, electrical failure or
19 failure or unavailability of any equipment or supplies
20 necessary to conduct a race or meet;

21 (5) hazardous conditions or other threats to
22 the public health or safety; or

23 (6) any other act, event or occurrence that
24 the board finds is not within the control of the licensee even
25 with the exercise of reasonable diligence or care.

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